

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

SELECTIVE INSURANCE COMPANY)	
OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:14-CV-531-TAV-CCS
)	
ENVIRONMENTAL, SAFETY &)	
HEALTH INC., WILLIAM GARIBAY,)	
GO FISH LLC, and FIRST TENNESSEE)	
BANK NATIONAL ASSOCIATION,)	
)	
Defendants.)	

ORDER

This civil matter is before the Court on the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley, Jr. on March 11, 2016 (the “R&R”) [Doc. 84]. In the R&R, Magistrate Judge Shirley recommends the following: (1) that the Joint Motion to Continue Trial and to Stay Claims Pending Between Selective Insurance Company of America and First Tennessee Bank National Association [Doc. 82], filed by Selective Insurance Company of America (“Selective”) and First Tennessee Bank (“First Tennessee”) be granted in part and denied in part; (2) that the May 2, 2016 trial be cancelled and reset at a later date; (3) that this case be stayed as to all claims involving Environmental, Safety & Health, Inc. (“ES&H”), William Garibay, and Go Fish; (4) that if the bankruptcy court grants Selective and/or First Tennessee’s request for relief from the automatic stay, Selective and/or First Tennessee shall file a motion to lift the stay with this Court within fourteen (14) days of entry of the bankruptcy court’s

order, and if Selective and/or First Tennessee's request is denied or the bankruptcy court otherwise disposes of the case without granting relief from the automatic stay, Selective and/or First Tennessee shall file a notice or appropriate motion with the Court within fourteen (14) days of entry of the bankruptcy court's order or dispositive ruling; (5) that ES&H and William Garibay shall file a status report with this Court every forty-five days, informing the Court as to the status and progress of the bankruptcy proceedings; (6) that this case be stayed for sixty (60) days as to all claims between Selective and First Tennessee; and (7) that Selective and First Tennessee shall file a joint status report within seven (7) days following the sixty (60) day stay to inform the Court whether a resolution has been reached between the parties.

After a careful review of the matter, the Court is in agreement with Magistrate Judge Shirley's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 84], and **GRANTS in part and DENIES in part** the Joint Motion to Continue Trial and to Stay Claims Pending Between Selective Insurance Company of America and First Tennessee Bank National Association [Doc. 82] as follows:

- (1) The May 2, 2016 trial is **CANCELLED** and will be reset at a later date;
- (2) This case will be **STAYED** as to all claims involving ES&H, William Garibay, and Go Fish;
- (3) If the bankruptcy court grants Selective and/or First Tennessee's request for relief from the automatic stay, Selective and/or First Tennessee are **ORDERED** to file a motion to lift the stay with this Court within **fourteen days** of entry of the bankruptcy court's order. If Selective and/or First Tennessee's request is denied or the bankruptcy court otherwise disposes of

the case without granting relief from the automatic stay, Selective and/or First Tennessee are **ORDERED** to file a notice or appropriate motion with the Court within **fourteen days** of entry of the bankruptcy court's order or dispositive ruling;

- (4) ES&H and William Garibay are **ORDERED** to file a status report with this Court every **forty-five days**, informing the Court as to the status and progress of the bankruptcy proceedings;
- (5) This case be **STAYED** for **sixty days** as to all claims between Selective and First Tennessee;
- (6) Selective and First Tennessee are **ORDERED** to file a joint status report within **seven days** following the sixty-day stay to inform the Court whether a resolution has been reached between the parties;
- (7) All other pending motions are hereby **DENIED** with leave to refile upon the lifting of the stay [Docs. 44, 74].

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE